

**RESOLUTION NO. 17-03- 08**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 3,168 SQUARE FOOT CHILD DAY CARE FACILITY SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON AN 0.601 ACRE OF PROPERTY, OWNED BY TWIGGS LEARNING TREE CHILD CARE, INC., AND LOCATED ON THE NORTHEAST CORNER OF SILVER BEACH ROAD AND 10<sup>TH</sup> STREET IN THE TOWN OF LAKE PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Twiggs Learning Tree Child Care, Inc., a Florida corporation is the owner (“Owner”) of a 0.601 acre of real property located on the Northeast Corner of Silver Beach Road and 10<sup>th</sup> Street (“property”) in the Town of Lake Park, Florida in the Town’s R-2 Zoning District; and

**WHEREAS**, William R. Upthegrove (“Applicant”) has filed an application for approval of a site plan (the “Application”) which would authorize the renovation of an existing four-plex building on the property for a 3,168 square foot child day care facility; and

**WHEREAS**, the legal description of the property is contained in **Exhibit “A”** and its general location is shown on **Exhibit “B”** both of which are attached hereto and incorporated herein; and

**WHEREAS**, Town staff and the Lake Park Planning and Zoning Board have reviewed the proposed Site Plan and the Application and have made their respective recommendations on the Application to the Town Commission; and

**WHEREAS**, the Town Commission has considered the evidence presented to it by the Town Staff, the Lake Park Planning and Zoning Board, the Owner, the Applicant, and other interested parties and members of the public, regarding the Application’s consistency with the Town’s Comprehensive Plan, and whether it meets the Town’s Land Development Regulations; and

**WHEREAS**, the Town Commission has determined that certain conditions as set forth herein, are necessary for the Application to be consistent with the Town’s Comprehensive Plan and to meet the Town’s Land Development Regulations; and

**WHEREAS**, the Owner, the Applicant and their successors and assigns shall be subject to the conditions contained in Section 2.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1:** The whereas clauses are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.

**Section 2:** The Town Commission hereby approves the Site Plan for a 3,168 square foot child day care facility as requested in the Application, including, but not limited to, the submitted architectural elevations for the property and engineering design, subject to the following conditions:

**CONDITIONS OF SITE PLAN APPROVAL:**

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved in writing by the Community Development Director.
2. Any disturbance of the public right of way along Silver Beach Road or 10<sup>th</sup> Street shall require review and written approval from the Director of the Town's Public Works Department prior to any construction.
3. Any disruption to any of the nearby entrance/exit and parking areas along Silver Beach Road shall require prior written approval by the Town's Community Development Director.
4. The Owner shall ensure that all contractors employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. The Owner shall guarantee the replacement of all plant and vegetative landscaping materials for not less than three-months commencing at the time of issuance of the Certificate of Occupancy. The Owner shall be responsible for the replacement of any and all dead or dying landscape materials required by the approved Site Plan and/or the Town Code.
6. Safe and adequate pedestrian passage in front of the construction site along Silver Beach Road and 10<sup>th</sup> Street shall be maintained at all times.
7. The Owner shall ensure that all contractor use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
8. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
9. Prior to issuance of the Certificate of Occupancy, the Owner and/or the Applicant shall provide certification from the landscape architect of record that the plant installations on Site are in accordance with the Plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection, shall be provided by the Owner and/or Applicant to the Town's Community Development Department.
11. The Owner and/or Applicant must provide documentation to the Town's Community Development Department from Palm Beach County that the proposed 3,168 SF child day care facility satisfies Traffic Performance Standards ("TPS"), and meets traffic concurrency requirements by the 2009 build out date.
12. The Project shall be constructed in compliance with the following plans ("Plans") on file with the Town's Community Development Department or authorized revisions as noted below:
  - a. Site Plan & Architectural Elevations referenced as sheet 1, 2 and 7 respectively, dated 01-02-08 by William Rillon Upthegrove, Project architect and planner of record, received and dated by the Town's Department of Community Development on 01-11-08.

- b. Engineering Plans, referenced as sheets 1 and 2 dated 01-02-08 prepared by Dixon & Associates Engineers, Inc., Project engineer of record, received and dated by the Town's Department of Community Development on 01-11-08.
  - c. Landscape plans referenced as sheets LP-1 and LP-2 dated 01-02-08 and prepared by Howard S. Ostrout Jr., and Associates, LLC, Project landscape architect of record, received and dated by the Town's Department of Community Development on 01-11-08.
  - d. Irrigation plan referenced as sheet LP-1 dated 01-02-08, prepared by Howard S. Ostrout Jr., and Associates, LLC, received and dated by the Town's Department of Community Development on 01-11-08.
- 13. Any revisions to the foregoing Plans, including but not limited to, the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Town's Community Development Department, and shall be subject to its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.
  - 14. The Owner of record or the Owner's authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of the development approval. The development shall be completed within 18 months from the effective date of initiation of development unless an extension of time is granted and as more specifically provided for in the Town of Lake Park Code of Ordinances, Section 67-42, "*Expiration of development approvals*".
  - 15. Cost Recovery. All fees and costs incurred by the Town in reviewing the Project and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of an Owner to reimburse the Town for all fees and costs invoiced within 10 days, may result in the revocation of one or more development order approvals.
  - 16. Any violations of the conditions of this Site Plan approval may be enforced by the Town through code enforcement proceedings to achieve compliance or any other legal or equitable means available to the Town.
  - 17. Additional lighting fixtures shall be added in playground and parking areas and submitted in an updated photometric plan.

**Section 3:** This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Commissioner Balius and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR PAUL W. CASTRO	<u>/</u>	<u>  </u>
VICE-MAYOR ED DALY	<u>/</u>	<u>  </u>
COMMISSIONER CHUCK BALIUS	<u>/</u>	<u>  </u>
COMMISSIONER JEFF CAREY	<u>/</u>	<u>  </u>
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	<u>  </u>

The Town Commission thereupon declared the foregoing Resolution NO. 17-03-08 duly passed and adopted this 12 day of March, 2008.

TOWN OF LAKE PARK, FLORIDA

BY:

Paul W. Castro  
PAUL W. CASTRO  
MAYOR

ATTEST:

Vivian Mendez  
VIVIAN MENDEZ  
TOWN CLERK

TOWN OF LAKE PARK  
(TOWN SEAL)  
SEAL

FLORIDA

Approved as to form and legal  
sufficiency:

BY:

Thomas J. Baird  
THOMAS J. BAIRD  
TOWN ATTORNEY

**EXHIBIT A – LEGAL DESCRIPTION:**

Twiggs Learning Tree Child Care & Kindergarten, Inc.

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, AND 32, BLOCK 48, TOWN OF LAKE PARK (FORMERLY KELSEY CITY), FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AT PLAT BOOK 8, PAGE 27.

EXHIBIT B – LOCATION MAP

